

In re Application of
Dennis Murphy, et al.
Filed: September 28, 1999

PATENT
Attorney Docket No. DIVER1120-1

DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled ALPHA-GALACTOSIDASE, the specification of which

_____ is attached hereto.

X was filed on September 28, 1999 (Attorney Docket No. DIVER1120-

1)

as U.S. Application Serial No. _____
and was amended on _____
if applicable (the "Application").

I hereby authorize and request insertion of the application serial number of the Application when officially known.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability of the subject matter of the Application as defined in Title 37, Code of Federal Regulations ("C.F.R."), § 1.56.

In re Application of
Dennis Murphy, et al.
Filed: September 28, 1999

PATENT
Attorney Docket No. DIVER1120-1

With respect to the Application, I hereby claim the benefit under 35 U.S.C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of the application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability of the subject matter of the Application as defined in Title 37, C.F.R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of the Application:

08/613,220
(Application Serial No.)

March 8, 1996
(Filing Date)

Issuing: September 28, 1999 as
(U.S. Patent No. 5,958,751)

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

COUNTRY	APPLICATION NO.	FILING DATE	PRIORITY CLAIMED	
<u>PCT</u>	<u>US97/01452</u>	<u>February 5, 1997</u>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

In re Application of
Dennis Murphy, et al.
Filed: September 28, 1999

PATENT
Attorney Docket No. DIVER1120-1

Full name of first inventor: **Dennis Murphy**

Inventor's signature: _____

Date: _____

Residence: 10 Fairway Road, Paoli, PA 19301

Citizenship: United States

Post Office Address: 10 Fairway Road
Paoli, PA 19301

Full name of second inventor: **John Reid**

Inventor's signature: _____

Date: _____

Residence: 922 Montgomery Ave., Apt. J2; Bryn Mawr, PA 19010

Citizenship: United States

Post Office Address: 922 Montgomery Ave., Apt. J-2
Bryn Mawr, PA 19010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Murphy, D. *et al.* Art Unit: 1814
Serial No.: 08/613,220 Examiner: Hendricks, K.
Filed: 3/8/96
Title: ALPHA-GALACTOSIDASE

Assistant Commissioner for Patents
Washington, DC 20231

REVOCATION AND NEW POWER OF ATTORNEY

Under 37 CFR §3.73(b) RECOMBINANT BIOCATALYSIS, INC., a Delaware corporation, certifies that it is the assignee of 100% of the right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 8103, Frames 0390-0393, on July 18, 1996.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned, whose title is supplied below, is empowered to act on behalf of the assignee.

Date of Deposit 6-13-97
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Stephanie Sharrett
Stephanie Sharrett

For good and valuable consideration, the receipt of which is hereby acknowledged, each of the undersigned, Dennis Murphy of 10 Fairway Road, FdnJ, PA 19301, and John Reid, of 922 Montgomery Avenue, Apt. J-2, Bryn Mawr, PA 19010, hereby sell, assign and transfer to Recombinant Bio Catalysis, Inc. in the ("Assignee") having a place of business at 505 Coast Blvd. 4th Floor, La Jolla, CA 92037, its successors, assigns and legal representatives, his entire right, title and interest for the United States and all other countries, in and to the improvements(s) known as:

ALPHA-GALACTOSIDASE

also known as United States Application Serial No. _____, filed _____, and is entitled:

ALPHA-GALACTOSIDASE

and in and to said application and all divisional, continuing, substitute, renewal, reissue and all other applications for Letters Patent which have been or shall be filed in the United States and all other countries on any of said improvements, and in and to all original and reissued patents which have been or shall be issued in the United States and all other countries on said improvements (hereinafter collectively, the "Patent Rights").

The undersigned further agrees that said Assignee may apply for and receive Letters Patent for said improvements in its own name; and, when requested, without charge to but at the expense of Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue and all other patent applications on all such improvements; execute all rightful oaths, assignments, powers of attorney and other papers; communicate to said Assignee, its successors, assigns and representatives all facts known to the undersigned relating to said improvements and the history thereof; and do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing and maintaining proper patent protection for said improvements and for vesting title to said improvements and all applications for patent and all patents on said improvements in Assignee, its successors, assigns and representatives.

The undersigned hereby represents and warrants to Assignee, its successors, assigns and representatives that no assignment, grant, mortgage, license or other right or agreement affecting the rights and property herein conveyed has been made to others by the undersigned and that full right to convey the same as expressed herein is possessed by the undersigned.

The undersigned hereby grants power to John N. Bain (Reg. No. 18,651); John G. Gilfillan, III (Reg. No. 22,746); Elliot M. Olstein (Reg. No. 24,025); Raymond J. Lillie (Reg. No. 31,778); Charles J. Herron (Reg. No. 28,019); William Squire (Reg. No. 25,378); and Gregory D. Ferraro (Reg. No. 36,134) to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document. Address correspondence and telephone calls to Charles J. Herron c/o of Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, 6 Becker Farm Road, Roseland, New Jersey 07068

IN WITNESS WHEREOF, this Assignment is executed by the undersigned on the date(s) opposite their signature(s):

Inventor's Signature: _____

Date: _____

Dennis Murphy

Inventor's Signature: _____

Date: _____

John Reid

STATE OF PA., COUNTY OF DELAWARE SS.:

Before me this 6th day of March, 1996 personally appeared the above named individual(s), to me known to be the person(s) who are described in and who executed the foregoing assignment instrument and acknowledged to me that they executed the same of their own free will for the purpose therein expressed.

Notary Public

Notarial Seal
John G. Hunter, Notary Public
Ridley Twp., Delaware County
My Commission Expires April 11, 1999

Member, Pennsylvania Association of Notaries

CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI, STEWART & OLSTEIN
6 Becker Farm Road - Roseland, NJ 07068 - (201) 994-1700

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ALPHA-GALACTOSIDASE

the specification of which [X] is attached hereto or [] was filed on _____ as Application Serial No. _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed. Prior Foreign Application(s):

Priority Claimed

Yes No
☐ ☐

(Number)

(Country)

(Day/Month/Year Filed)

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)

(Filing Date)

Pending
(Status - patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status - patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: John N. Bain (Reg. No. 18,651); John G. Gillfillan, III (Reg. No. 22,746); Elliot M. Olatein (Reg. No. 24,025); Raymond J. Lillie (Reg. No. 31,778); Charles J. Herron (Reg. No. 28,019); William Squire (Reg. No. 25,378); Kenneth S. Weitzman (Reg. No. 36,306); and Gregory Ferraro (Reg. No. 36,134). Address correspondence and telephone calls to Charles J. Herron c/o Carcella, Byrne, Bain, Gillfillan, Cecchi, Stewart & Olatein, 6 Becker Farm Road, Roseland, NJ 07068 - (201) 994-1700.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor: Dennis MurphyInventor's signature: *Dennis Murphy*Residence: 10 Fairway Road, Paoli, PA 19301Post Office Address: sameDate: Mar 5, 1996Citizenship: United StatesFull name of inventor: John ReidInventor's signature: *John C. Reid*Residence: 922 Montgomery Avenue Apt. J-2, Bryn Mawr, PA 19010Post Office Address: sameDate: Mar 5, 1996Citizenship: United States

ASSIGNMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, each of the undersigned, **Dennis Murphy** of 10 Fairway Road, Paoli, PA 19301, and **John Reid**, of 922 Montgomery Avenue, Apt. J-2, Bryn Mawr, PA 19010, hereby sell, assign and transfer to **Recombinant Bio Catalysis, Inc.** in the ("Assignee") having a place of business at 505 Coast Blvd. 4th Floor, La Jolla, CA 92037, its successors, assigns and legal representatives, his entire right, title and interest for the United States and all other countries, in and to the improvements(s) known as:

ALPHA-GALACTOSIDASE

also known as United States Application Serial No. _____, filed _____, and is entitled:

ALPHA-GALACTOSIDASE

and in and to said application and all divisional, continuing, substitute, renewal, reissue and all other applications for Letters Patent which have been or shall be filed in the United States and all other countries on any of said improvements, and in and to all original and reissued patents which have been or shall be issued in the United States and all other countries on said improvements (hereinafter collectively, the "Patent Rights").

The undersigned further agrees that said Assignee may apply for and receive Letters Patent for said improvements in its own name; and, when requested, without charge to but at the expense of Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue and all other patent applications on all such improvements; execute all rightful oaths, assignments, powers of attorney and other papers; communicate to said Assignee, its successors, assigns and representatives all facts known to the undersigned relating to said improvements and the history thereof; and do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing and maintaining proper patent protection for said improvements and for vesting title to said improvements and all applications for patent and all patents on said improvements in Assignee, its successors, assigns and representatives.

The undersigned hereby represents and warrants to Assignee, its successors, assigns and representatives that no assignment, grant, mortgage, license or other right or agreement affecting the rights and property herein conveyed has been made to others by the undersigned and that full right to convey the same as expressed herein is possessed by the undersigned.

The undersigned hereby grants power to John N. Bain (Reg. No. 18,651); John G. Gilfillan, III (Reg. No. 22,746); Elliot M. Olstein (Reg. No. 24,025); Raymond J. Lillie (Reg. No. 31,778); Charles J. Herron (Reg. No. 28,019); William Squire (Reg. No. 25,378); and Gregory D. Ferraro (Reg. No. 36,134) to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document. Address correspondence and telephone calls to Charles J. Herron c/o of Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, 6 Becker Farm Road, Roseland, New Jersey 07068

IN WITNESS WHEREOF, this Assignment is executed by the undersigned on the date(s) opposite their signature(s):

Inventor's Signature: _____ Date: _____

Dennis Murphy

Inventor's Signature: _____ Date: _____

John Reid

STATE OF _____, COUNTY OF _____ SS.:

Before me this _____ day of _____, 1996 personally appeared the above named individual(s), to me known to be the person(s) who are described in and who executed the foregoing assignment instrument and acknowledged to me that they executed the same of their own free will for the purpose therein expressed.

Notary Public

CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI, STEWART & OLSTEIN
6 Becker Farm Road - Roseland, NJ 07068 - (201) 994-1700

The undersigned, acting on behalf of the assignee, hereby revokes all powers of attorney previously granted in the application and appoints: John R. Wetherell, Jr., Ph.D. (Reg. No. 31,678); Lisa A. Haile (Reg. No. 38,347); Stacy L. Taylor (Reg. No. 34,842); John Land (Reg. No. 29,554), and June M. Learn (Reg. No. 31,238), of the firm of FISH & RICHARDSON P.C., as its attorneys with full power of substitution and revocation, to prosecute the application and to transact all business in the United States Patent and Trademark Office connected therewith.

Please direct all telephone calls to John R. Wetherell at (619) 678-5070 and all correspondence relative to said application to the following address:

John R. Wetherell, Jr., Ph.D.
FISH & RICHARDSON, P.C.
4225 Executive Square, Suite 1400
La Jolla, California 92037
(619) 678-5099 (Facsimile)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: 5-17-97



Carolyn Erickson
Manager, Business Development and
Regulatory Affairs
RECOMBINANT BIOCATALYSIS, INC.

FO-1595
(rev. 8-93)

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

RECORDATION FORM SHEET COVER
PATENTS ONLY

OMB No. 0651-0011 (exp. 4/94)

To the Honorable Commissioner of Patent and Trademarks:
Please record the attached original documents or copy thereof.



1. Name of conveying party(ies):

Murphy, Dennis
Reid, John

Additional name(s) of conveying party(ies) attached:

☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security/Agreement ☐ Change of Name
☐ Other _____

Execution Date: March 6, 1996

2. Name and address of receiving party(ies):

Name: Recombinant BioCatalysis, Inc.

Internal Address: _____

Street Address: 505 Coast Blvd. South

City: La Jolla State: CA Zip: 92037-4616

Additional name(s) & address(es) attached: ☐ Yes ☒ No

4. Application number(s):

If this document is being filed together with a new application, the execution date of the application is: March 5, 1996

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Charles J. Herron

Internal Address: Carella, Byrne, Bain, Gilfillan,
Cecchi, Stewart & Olstein

Street Address: 6 Becker Farm Road

City: Roseland State: NJ Zip: 07068

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41)....\$ 40.00

☒ Enclosed

☐ Authorized to be charged to deposit account

8. Deposit account number:

03-0678

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Charles J. Herron

Name of Person Signing

Charles J. Herron March 8, 1996

Signature

Date

Total number of pages including cover sheet, attachments, and document: 6

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : D. Murphy et al.
Serial No.: 08/613,220
Filed : March 8, 1996
Title : ALPHA-GALACTOSIDASE

Art Unit: 1814
Examiner: K. Hendricks

Assistant Commissioner of Patents
Washington, DC 20231

TRANSMITTAL OF REVOCATION AND NEW POWER OF ATTORNEY

Attached please find an original Revocation and New Power of Attorney from the Assignee relating to this application executed on May 16, 1997. Please substitute the enclosed document for all prior Powers of Attorney.

Please apply any charges to our Deposit Account No. 06-1050.

Respectfully submitted,

Date:

6/13/97



Lisa A. Haile, Ph.D.
Reg. No. 38,347

Fish & Richardson P.C.
4225 Executive Square, Suite 1400
La Jolla, CA 92037

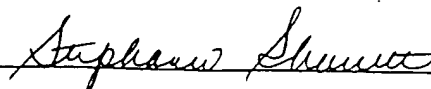
Telephone: 619/678-5070
Facsimile: 619/678-5099

33360

Date of Deposit

6-13-97

I hereby certify under 37 C.F.R. 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.



Stephanie Sharrett

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS

37 CFR 1.9(f) and 1.27(c) - SMALL BUSINESS CONCERN

I hereby declare that I am

☐ the owner of the small business concern identified below:☒ an official of the small business concern empowered to act on behalf of the concern identified below:NAME OF CONCERN: Recombinant BioCatalysis, Inc.ADDRESS OF CONCERN: 505 Coast Blvd. 4th Floor, La Jolla, CA 92037

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the number of persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled:

ALPHA-GALACTOSIDASE

Inventors: Dennis Murphy, and John Reid

described in:

☐ the specification filed herewith☒ application serial no. _____, filed _____☐ patent no. _____, issued _____

If the rights held by the small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or as a nonprofit organization under 37 CFR 1.9(e).

NOTE: Separate verified statement are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: _____

ADDRESS: _____
☐ Individual ☐ Small business ☐ Nonprofit organization

NAME: _____

ADDRESS: _____
☐ Individual ☐ Small business ☐ Nonprofit organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF PERSON SIGNING JAY M. SHORTTITLE IN ORGANIZATION CHIEF TECHNOLOGY OFFICERADDRESS OF PERSON SIGNING 320 DELAGE DRIVE, ENCINITAS, CA 92024-4723

SIGNATURE

DATE

3/7/96

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